

110TH CONGRESS
2D SESSION

S. J. RES.

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule set forth as requirements contained in the August 17, 2007, letter to State Health Officials from the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services.

IN THE SENATE OF THE UNITED STATES

Mr. ROCKEFELLER introduced the following joint resolution; which was read twice and referred to the Committee on

JOINT RESOLUTION

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule set forth as requirements contained in the August 17, 2007, letter to State Health Officials from the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services.

Whereas the Congressional Research Service and the Government Accountability Office have determined that the State Health Official Letter 07–001, dated August 17, 2007, issued by the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services constitutes a rule, as defined in section

804(3) of title 5, United States Code, (commonly referred to as the “Congressional Review Act”);

Whereas the Congressional Review Act (5 U.S.C. 801 et seq.) requires the Centers for Medicare & Medicaid Services to submit the rule issued on August 17, 2007, to each House of Congress and the Comptroller General of the United States before finalizing, implementing, enforcing, or otherwise taking action to give effect to the rule;

Whereas the Centers for Medicare & Medicaid Services has not submitted the rule issued on August 17, 2007, to each House of Congress and the Comptroller General as so required;

Whereas, despite its failure to comply with the Congressional Review Act, the Centers for Medicare & Medicaid Services has gone forward and given full effect to the August 17, 2007, rule, including by issuing on May 7, 2008, another State Health Official Letter 08–003 to address “some of the key issues that have arisen” during discussions with States about the rule; and

Whereas the August 17, 2007, rule imposes new barriers on States that prevent them from helping working families secure affordable health coverage for their uninsured children during the current economic downturn: Now, therefore, be it

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That Congress disapproves the rule submitted by the Sec-
4 retary of Health and Human Services relating to require-
5 ments set forth in the State Health Official Letter 07–
6 001, dated August 17, 2007, issued by the Director of

1 the Center for Medicaid and State Operations in the Cen-
2 ters for Medicare & Medicaid Services and the State
3 Health Official Letter 08–003, dated May 7, 2008, from
4 such Center, requiring States that expand the income eli-
5 gibility level for children under the State Children’s
6 Health Insurance Program (SCHIP) above 250 percent
7 of the Federal poverty level to adopt the 5 crowd-out strat-
8 egies described in such letter with the components identi-
9 fied therein, and to provide certain assurances described
10 in such letter, and such rule shall have no force or effect.